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PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 16th January, 2023

CONSUMER PROTECTION ACT, 2019.

No.-GTH/2023/2/CPA/102021/80222/D:- In exercise of the powers conferred by clause (e) and (f) of sub-section (2) of section 102 of the Consumer Protection Act, 2019 (35 of 2019), the Government of Gujarat, hereby makes the following rules, namely:-

- 1. Short title and commencement.-** (1) These rules may be called the Consumer Protection (District Consumer Protection Council) Rules, 2023.
(2) They shall come into force on the date of their publication in the *Official Gazette*.
- 2. Definitions.-** (1) In these rules, unless the context otherwise requires,—
 - (a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);
 - (b) “Chairperson” means the chairperson of the District Council;
 - (c) “District Council” means the District Consumer Protection Council established under sub-section (1) of section 8 of the Act;
(2) The words and expressions used herein, but not defined, and defined in the Act shall have the meaning assigned to them in the Act.
- 3. Composition of District Council.-** The State Government shall, by notification in the Official Gazette, establish the District Council which shall consist of the following members, namely:-
 - (a) The Collector in-charge of District shall be the Chairperson of the District Council;
 - (b) All Members of Legislative Assembly of the respective district shall be members of the Council;

- (c) Representatives from the different District offices of the State Government, autonomous organisations or regulators concerned with consumer interests, not exceeding nine to be Decided by the State Government, -
 - (1) District Development Officer;
 - (2) District Medical Officer;
 - (3) District Registrar, Cooperative Societies;
 - (4) Designated Officer, Food and Drug Regulating Office;
 - (5) Senior Executive Engineer from relevant Electricity Company;
 - (6) District Level Officer from IRDA;
 - (7) District Level Officer from Lead bank;
 - (8) Assistant Director, Consumer Disputes Redressal Commission;
 - (9) Assistant Controller, Legal Metrology;
- (d) District Supply Officer of respective District shall be the member secretary of the District Council;
- (e) Maximum three Representative of consumer organisations to be nominated by the Chairperson of the District Council;
- (f) Representatives with proven expertise and experience who are capable of representing consumer interests, drawn from amongst Educational Institute, Legal Institute and from Consumer Commission who have minimum experience of Five years, not exceeding three, of whom at least one shall be a woman, to be nominated by the Chairperson;
- (g) Representatives from Associations of Industries, Commerce and Medical association, not exceeding three, of whom at least one shall be a woman, to be nominated by the Chairperson.

4. Term of District Council. — The term of the District Council shall be three years, :

Provided that the District Council shall continue to function for a further period of three months or till it is reconstituted, whichever is earlier.

5. Resignation of members of District Council. — Any member may, by notice in writing under his hand addressed to the Chairperson of the District Council, resign from the District Council.

6. Vacancy caused by resignation. —

- (a) A vacancy caused by the resignation of a member under rule 5 shall be filled by a fresh appointment from the same category of members by the Chairperson of the District Council.
- (b) The person appointed to fill the vacancy caused by the resignation of a member under rule 5 shall hold office only for the period of time that the original member would have been entitled to hold office had the vacancy not occurred.

7. Working Groups. —

- (a) For the purposes of performing its functions under the Act, the District Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such task as are assigned to it by the District Council.
- (b) The District Council shall entrust to each working group clearly defined tasks which are specified through terms of reference and which shall also include the time-period within which such task are to be completed.
- (c) The working groups shall report to the Chairperson of the District Council.
- (d) The findings of each working group shall be placed before the District Council for its consideration.
- (e) The working group shall cease to function on the completion of the task for which it was constituted.

8. Meetings of District Council for transaction of bussiness. —

- (a) The meetings of the District Council shall ordinarily be held at the headquarters of the District.
- (b) The Chairperson, or in his absence the meetings of the District Council shall be presided over by a member of the District Council elected for this purpose.

- (c) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.
- (d) A meeting of the District Council may be called with the approval of the Chairperson by issuing a notice in writing to every member at least fifteen days before the intended date of the meeting by post, or through e-mail to facilitate speedy communication.
- (e) The notice of every meeting of the District Council shall intimate the time, date, and place of the meeting and the items of agenda for the meeting.
- (f) Any business not included in the agenda shall not be transacted at a meeting of the District Council except with the permission of the Chairperson, or the member presiding over the meeting, as the case may be.
- (g) The draft minutes of each meeting of the District Council shall be prepared as soon as possible and not later than one week from the conclusion of each meeting and the same shall be submitted to the Chairperson or to the member who presided over the meeting for his approval.
- (h) The draft minutes of each meeting of the District Council approved by the Chairperson or the member who presided over this meeting shall be forwarded to each member of the District Council as soon as possible for adoption at the next meeting.
- (i) No proceedings of the District Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the District Council.

9. Reimbursement of expenses and sitting fees.—

- (a) Non-official members of the District Council shall be entitled to get Travelling Allowance, Daily Allowance, Road Mileage, Conveyance Charge etc. as per the Resolution Dated 16/10/2014 of Finance Department and as amended time to time.
- (b) Every claim made under sub-rule (a) shall be subject to the member of the District Council certifying that he shall not claim any benefit from any other Offices or organisation of the State Government during his visit for the purpose of attending the meeting of the District Council or any of its working groups.
- (c) Members of Legislative Assembly attending meetings of the District Council or its working groups shall be entitled to travelling and daily allowances at such rates as are admissible to such Members.
- (d) All the member should be paid the above admissible allowance on the day of meeting by the concerned member secretary of the council.

By order and in the name of the Governor of Gujarat,

NAYANA PATEL,
Deputy Secretary to Government.

